

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MELVIN WILLIAMS,

No. 2:20-cv-1950 KJM KJN P

Plaintiff,

ORDER

v.

UNKNOWN,

Defendant.

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 25, 2021, the magistrate judge filed findings and recommendations, which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has filed objections to the findings and recommendations. (ECF No. 39.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

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The count makes no finding regarding whether plaintiff may be able to move for compassionate release using procedures available to him within the California prison system or California state courts.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed March 25, 2021, are adopted with the modification in this order;

2. Plaintiff's request for release from custody, contained in claim one based on allegedly unsafe conditions created by the COVID-19 pandemic, as discussed above, is dismissed with leave to amend;

3. Plaintiff's motion to amend (ECF No. 32) is denied as to claim two, alleging denial of access to the courts and claim three alleging claims challenging the validity of this criminal conviction; and

4. This matter is referred back to the assigned magistrate judge for all further proceedings.

DATED: September 27, 2021.

CHIEF UNITED STATES DISTRICT JUDGE